



RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2123

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James W. Paul, Reg. No. 29,967

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RICHARD DELLACONA, ET AL.

Serial No. 09/592,572

Filed: June 12, 2000

For: HIGH SPEED INFORMATION
PROCESSING AND MASS STORAGE
SYSTEM AND METHOD,
PARTICULARLY FOR INFORMATION
AND APPLICATION SERVERS

Examiner: K. Thangavelu

Group Art Unit 2123

Docket No. QUAD 55767

June 14, 2005

Los Angeles, California 90045

AMENDMENT AFTER FINAL REJECTION
UNDER 37 CFR 1.116

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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Office Action dated April 21, 2005, which was made final.

Please enter the following amendments:

Application No. 10/949,868
Request for Withdrawal of Final Office Action and, in the Alternative, Response to Final Office Action



Appl. No. : 10/949,868
Applicant : Kirk Evans, et al.
Filed : September 25, 2004
TC/A.U.: 3711
Examiner: Mark S. Graham
Docket No.: EV04004
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION AND, IN THE ALTERNATIVE, RESPONSE TO FINAL OFFICE ACTION

Applicants, by and through their attorney, Keith L. Jenkins, respectfully submit this REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION AND, IN THE ALTERNATIVE, RESPONSE TO FINAL OFFICE ACTION mailed May 10, 2005.

Applicants' Attorney's Summary of the Telephonic Interview between Examiner Mark S. Graham and applicants' attorney Keith L. Jenkins begins on page 2 of this paper.

The Request for Withdrawal of Final Office Action begins on page 3 of this paper.

Response to the Final Office Action begins on page 9 of this paper.

A Claim Listing, with amendments, begins on page 10 of this paper.

Traverse of the Restriction Requirement begins on page 14 of this paper.

Traverse of the 102(b) Rejection of Claims 1-3, 5, 6, 9 and 10 based upon Gibney begins on page 16 of this paper.

Traverse of the 102(b) Rejection of Claims 1-6, 9 and 10 based upon Preast begins on page 22 of this paper.

Traverse of the 103(a) Rejection of Claim 8 over Williams in view of Holt begins on page 28 of this paper.

Remarks begin on page 32 of this paper.

Applicants' Attorney's Summary of Telephonic Interview of 17 May 2005

Applicants' attorney, Keith L. Jenkins, discussed the above-captioned pending application with Examiner Mark S. Graham for the purpose of determining the basis for the final rejections mailed 10 May 2005. The Examiner admitted that the last two lines in Claim 1 of the application do constitute an element of the claim. The Examiner raised, for the first time, the argument that the element contained in the last two lines of claim 1 was "inherently" present the Preast and Gibney references. Applicants' attorney stated that he did not see that any inherency arguments had been advanced by the Examiner in the First or Final Office Actions in the context of Preast and Gibney.

Applicants' attorney also discussed the restriction requirement with the Examiner. The Examiner asserted that the invention, as claimed, could be used without the icons to make a shot by mentally ignoring the icons and, therefore, could be used to practice a different process. Applicants' attorney disagreed, pointing out that the icons must be "observable in the peripheral vision" (Claim 1) and that the invention as claimed would create images in the mind of any user, even when the user's attention was not focused on them.

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